



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 11 2018

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Richard Burr  
United States Senate  
Washington, D.C. 20510

Dear Senator Burr:

Thank you for your October 31, 2017, letter to the U.S. Environmental Protection Agency regarding the EPA's involvement in responding to and investigating the release of GenX and related compounds in the Cape Fear River watershed in North Carolina.

The EPA is actively supporting the North Carolina Department of Environmental Quality (NCDEQ) in monitoring releases from the Chemours facility. EPA has provided analytical support to the state to assess the extent of the GenX related contamination in surface water, drinking water and groundwater. EPA will continue to provide state support by analyzing samples for GenX as needed. EPA scientists and engineers are working with partners in North Carolina and in other states to provide data that can be used to make informed decisions about managing per fluorinated chemicals (PFCs). The EPA is evaluating different treatment technologies for removing PFCs from drinking water and groundwater, and is also multi-laboratory validating additional methods that can be used to accurately measure PFCs in the environment.

As you know, the EPA is conducting an investigation into Chemours' compliance with the 2009 Consent Order governing the production of GenX and its precursor dimer acid. The EPA inspected the Chemours Fayetteville facility on June 28-29, 2017, to evaluate compliance with the 2009 Toxic Substances Control Act (TSCA) Section 5(e) consent order, as well as other TSCA requirements. The EPA is committed to completing our investigation and resolving any identified violations as expeditiously as possible.

EPA is updating the risk evaluations for GenX and its precursor dimer acid originally conducted as part of the Pre-manufacture Notice review under Section 5 of TSCA. The update will use the test data submitted to the EPA as required in the Consent Order for these chemicals, and include additional information obtained from Chemours. After updating our risk assessment, the EPA will, if necessary, update the Consent Order with appropriate terms.

Your letter asks the EPA to make a determination of whether PFCs should be prioritized for risk evaluation. The EPA promulgated a rulemaking codifying the TSCA chemical prioritization process on June 22, 2017, and is now engaged in public dialogue on how to identify chemicals as candidates for prioritization. In order to meet the statutory timeframes and rigorous scientific standards of the risk evaluation process, the EPA attempts to address data needs before initiating prioritization. It is likely that the EPA will need additional information on the large number of PFCs on the TSCA chemical inventory as part of any consideration of them as candidates for TSCA prioritization. To help obtain this



additional information, the EPA is implementing a toxicity testing strategy for PFCs that will identify specific PFCs that may be priority candidates for toxicity studies.

As it relates to National Pollutant Discharge Elimination System (NPDES) discharges from the Chemours facility, the EPA has been closely monitoring the actions the state has taken and has been actively engaged in providing assistance to NCDEQ as they address GenX-related issues in the Cape Fear watershed. Beginning in June 2017, the Chemours facility voluntarily began capturing a number of wastewater streams for offsite disposal. On November 16, 2017, NCDEQ notified Chemours that effective November, 30, 2017, the facility is no longer authorized under its NPDES permit to discharge process wastewater from areas where GenX and other fluorinated compounds are produced. Chemours has complied with this directive from NCDEQ and is hauling process wastewater from these additional areas offsite for disposal. Regional NPDES permitting staff are actively working with North Carolina on permitting issues to ensure that adequate protections are in place to prevent upsets and spills from specified process areas from reaching the Cape Fear River.

Finally, the EPA recognizes the importance of ensuring effective coordination and prioritization of its efforts on GenX and related chemicals. Toward this end, on December 4, 2017 the EPA announced a new cross-agency effort to address per- and polyfluoroalkyl substances. The effort will identify a set of near-term actions the EPA will take to help support local communities; enhance coordination with states, tribes and federal partners to provide communities with critical information and tools; increase ongoing research efforts to identify new methods for measuring these substances and filling data gaps; and expand proactive communications efforts with states, tribes, partners, and the American public about these substances and their health effects. The EPA believes these cross-program and cross-regional efforts will help provide improved on-the-ground knowledge of these substances as the agency and its state and local partners work to address these issues nationwide.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [Klasen.Matthew@epa.gov](mailto:Klasen.Matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in black ink, reading "Charlotte Bertrand". The signature is fluid and cursive, with the first name "Charlotte" and last name "Bertrand" clearly distinguishable.

Charlotte Bertrand  
Acting Principal Deputy Assistant Administrator

